

people. Individuals who live through times of war endure much pain. An ugly reality is that many violent crimes are committed against people during times of war.

So how does a society deal with those who committed atrocious human rights violations during a war? I feel that the only way to restore a stable peace is to face the challenge of punishing those guilty of war crimes. A society can't move on without dealing with the realities of its past, no matter how painful they may be. Several countries throughout the world are now facing the obstacle of dealing with war criminals as they move down the road to peace.

One country that is dealing with this issue is South Africa. Conflict over the practice of apartheid, or racial segregation, escalated into a serious situation during the last half of the 20th Century. The conflict is deeply seeded in South Africa's history. The British gained control of South Africa in 1814 and white control of the country immediately provoked uprising by the native blacks who sought independence. In 1910, Britain did grant South Africa independence, but the situation didn't change much as white English-speaking people maintained control of the government.

The government established apartheid as an official policy in 1948, and various acts were passed with the purpose of completely separating South Africa's blacks from the white minority. Inevitably, protests arose and they became more serious throughout the 1950's. Nelson Mandela led the African National Congress (ANC), a political organization that actively worked for black control. Boycotts, strikes, and rallies were used to draw attention to their plea for the end of apartheid. Tensions rose even higher when the ANC was banned by the government and Nelson Mandela was jailed.

The black movement began to escalate again during the 1970's and 1980's. Renewed demonstrations and riots plagued the country and a state of emergency was declared in 1986. Change finally began when a new president, Frederick de Klerk, took office in 1989. Nelson Mandela was released from jail and apartheid was gradually dismantled. Real progress came with elections held in 1994 in which blacks took control of the government with Nelson Mandela as the new president.

The new government faced many challenges, one of which was dealing with those guilty of human rights violations that occurred during the era of apartheid. The Truth and Reconciliation Commission was created in June 1995 to give victims a chance to voice the abuses that occurred. It also served to uncover evidence about the perpetrators of those crimes. Political amnesty was guaranteed for those who came forward voluntarily to confess. In other words, those who admitted to committing political crimes were pardoned, but those who remained silent could be prosecuted.

I feel that the creation of this commission was beneficial in several ways, but was too lenient in its dealings with war criminals. The acceptance of the commission was evident when over 10,000 victims came forward to share their personal horror stories. This reveals that there was a need among the people to talk about what happened. The way in which the commission dealt with war criminals represented a compromise, though Truth is essential, but at what cost?

There must be penalties for these crimes that were committed and I think that the offer of political amnesty was too generous. Citizens should be able to see punishment handed out to the guilty so that they can feel safe again. It would be beneficial to reward those who come forward voluntarily with a lesser sentence, but they still deserve to face punishment for their actions. Justice

must not be compromised in this way. War criminals must be held accountable.

Another recent conflict that has been plagued by discoveries of genocide and vast human rights violations is the civil war in Bosnia. The region has had a troubled past. After World War II, Yugoslavia was united as a confederation of six republics held together by the ruling Communist Party. This federation was unstable, though, because of deeply seeded ethnic divisions.

In 1990, the Communists lost control and Yugoslavia began to crumble. In June, 1991, two of the republics, Slovenia and Croatia, declared their independence. The other republics followed, with Bosnia and Herzegovina declaring their independence in March 1992. Civil war then broke out in Bosnia between the three ethnic groups living in the area: the Croats, Serbs and Bosnian Muslims. The Muslim-dominated government forces fought to maintain a multiethnic state while the Bosnian Serbs and Croats called for separate ethnic states.

A peace treaty was signed in December 1995 in which Bosnia was split into two sub-states, a Muslim-Croat federation and a Serb republic. The agreement called for the exchange of territory and this led to much violence. International peacekeeping forces and humanitarian organizations were present throughout the war and remain in the area yet today to stabilize the conflict.

Both during and after the war, reports were confirmed of torture and cruelty committed by all three ethnic groups. The Bosnian Serbs were specifically singled out, though, for their policy of "ethnic cleansing" in which over 700,000 Muslims were forced from their homes in Serb-controlled areas of Bosnia. The Serbs were also responsible for putting people in concentration camps and killing and raping many women. Mass graves hold evidence to the large number of deaths that occurred.

These human rights abuses were acknowledged with the formation of The United Nations International Criminal Tribunal for the former Yugoslavia. This tribunal was set up at The Hague in 1994 with the purpose of judging serious violations of international humanitarian law. The tribunal issued indictments of various criminal suspects and then those in the international community were responsible to arrest them and turn them over to the tribunal to face punishment.

The problem with this arrangement was that many indicted war criminals were not actively sought by international peacekeepers. The North Atlantic Treaty Organization (NATO) was very active both during and after the war in Bosnia by stationing peacekeeping soldiers throughout the area. These NATO troops have not chosen to search out the war criminals, though. At one point 75 people had been indicted by the tribunal, while only nine had been arrested.

In July 1997, NATO started to actively track down indicted war criminals. More arrests were made, but NATO has not yet moved to arrest the higher-level criminals that have been indicted, such as Radovan Karadzic, a Serb leader who is accused of genocide, or the intent to destroy a whole ethnic group.

I believe that it is time for international peacekeepers to actively move in on arresting the high-profile suspects. It is easier to leave these suspects alone, but by delaying action, peace and reconciliation is being delayed. I agree with the tribunal's goal of bringing war criminals to face judgment, but the way that this effort is being carried out is short of effective.

These issues dealing with the prosecution of war criminals must be dealt with carefully. There are many variables to consider.

Even though public trials may be painful for survivors, I feel that it is necessary to deal with the perpetrators in public. Silence is not a solution. It is better to deal with those suspected of human rights violations than to pretend the damage never occurred. Only when these problems are dealt with can lasting peace have a chance.

Truth must be exposed. Elie Wiesel, a Holocaust survivor and Nobel Peace Prize winner, recently said, "There is no compensation for what happened. But at least a certain balance can be established that opposing fear there is hope, hope that when we remember the fear . . . our memory becomes a shield for the future." By exposing what really happened we can guard ourselves against it ever happening again.

Both South Africa and Bosnia face challenges in their future. As they work to bring war criminals to justice, painful memories resurface. They are taking steps in the right direction, though, as they confront the atrocities that took place during times of war and conflict. War criminals must be tried and held responsible for their actions. There are no valid excuses for killing. People should never have to suffer based on their ethnic origin or simply the color of their skin. When these offenses occur, the guilty must be punished so that peace and justice can thrive in the future.

#### PRODUCT LIABILITY REFORM ACT

Mr. LIEBERMAN. Mr. President, I rise today to make a few very brief comments on the Product Liability Reform Act of 1998, which the Senate will soon be considering. I will make more lengthy remarks on this bill when we return from recess and move on to this bill, but I did not want to let the bill's introduction last night pass without comment.

This bill is a good bill, and I am proud to be one of its original co-sponsors. It is the product of incredibly hard work and tremendous dedication by Senator GORTON and Senator ROCKEFELLER, and I want to congratulate—and thank—they and their staffs for what they have been able to achieve. I also want to thank the President for his willingness to work with us to come up with a bill that now has his full support.

I, frankly, would have liked a stronger bill, like the one we passed last Congress, but the President vetoed that bill. That is something that I think all those of us who support reform have to keep in mind as we move forward with this bill. Because even if it doesn't incorporate everything we wanted, this bill does offer much—together with the promise of the President's signature.

The President's promise is important not just to those of us who have long supported legal reform. It also should be important to my colleagues who have not. I hope it prompts them to take a serious look at this bill—to put aside preconceived notions they may have of product liability reform, and to take a fresh look at what we have done.

Mr. President, this bill offers meaningful—and fair—reform of our legal system to redress the system's abuses while at the same time protecting consumers' rights. And it contains the provisions of a bill Senator MCCAIN and I

have been working on for a couple of Congresses: the Biomaterials Access Assurance Act.

The Biomaterials bill is the response to a crisis affecting more than 7 million patients annually who rely on implantable life-saving or life-enhancing medical devices—things like pacemakers, heart valves, artificial blood vessels, hydrocephalic shunts, and hip and knee joints. These patients are at risk of losing access to the devices because many suppliers are refusing to sell biomaterial device manufacturers the raw materials and component parts that are necessary to make the devices. The reason: suppliers no longer want to risk having to pay enormous legal fees to defend against product liability suits when those legal fees far exceed any profit they make from supplying the raw materials for use in implantable devices. Although not a single biomaterials supplier has ultimately been held liable so far, the actual and potential costs of defending lawsuits has caused them to leave this market. A study by Aronoff Associates found that 75 percent of suppliers surveyed were not willing to sell their raw materials to implant manufacturers under current conditions. That study predicts that unless this trend is reversed, patients whose lives depend on implantable devices may no longer have access to them.

The Biomaterials title of the Product Liability bill responds to this crisis by allowing most suppliers of raw materials and component parts for implantable medical devices to gain early dismissal from lawsuits. At the same time, by allowing plaintiffs to bring those suppliers back into a lawsuit in the rare case that the other defendants are bankrupt or otherwise judgment proof, it ensures that plaintiffs won't be left without compensation for their injuries if they can prove a supplier was at fault. Mr. President, I have a summary of the bill here, and I ask unanimous consent that it be printed after this statement in the RECORD.

I will have a lot more to say about the Biomaterials provisions and the entire bill when we return from recess. For now, let me just once again congratulate Senator GORTON, Senator ROCKEFELLER and the President for their success in forging this compromise bill. I urge my colleagues to support it.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

#### SUMMARY OF BIOMATERIALS ACCESS ASSURANCE ACT

Title II of the Product Liability Reform Act of 1998 contains the provisions of the Lieberman-McCain Biomaterials Access Assurance Act.

**Need For The Biomaterials Bill:** The Biomaterials bill responds to a looming crisis affecting more than 7 million patients annually who rely on implantable life-saving or life-enhancing medical devices such as pace-

makers, heart valves, artificial blood vessels, hydrocephalic shunts, and hip and knee joints. These patients are at risk of losing access to the devices because many suppliers are refusing to sell biomaterial device manufacturers the raw materials and component parts that are necessary to make the devices. The reason: suppliers no longer want to risk having to pay enormous legal fees to defend against meritless product liability suits when those legal fees far exceed any profit they make from supplying the raw materials for use in implantable devices. Although not a single biomaterials supplier has thus far been held liable, the actual and potential costs of defending lawsuits has caused them to leave this market. A study by Aronoff Associates found that 75 percent of suppliers surveyed were not willing to sell their raw materials to implant manufacturers under current conditions. That study predicts that unless this trend is reversed, patients whose lives rely on implantable devices may no longer have access to them.

**What The Bill Does:** To alleviate these problems, the Biomaterials bill would do two things. First, with an important exception noted below, the bill would immunize suppliers of raw materials and component parts from product liability suits, unless (a) the supplier also manufactured the implant alleged to have caused harm; (b) the supplier sold the implant alleged to have caused harm; or (c) the supplier furnished raw materials or component parts that failed to meet applicable contractual requirements or specifications. Second, the bill would provide raw materials and component parts suppliers with a mechanism for making that immunity meaningful by obtaining early dismissal from lawsuits.

**What The Bill Does Not Do:** The bill does not keep injured plaintiffs from gaining compensation for their injuries. First, it leaves lawsuits against those involved in the design, manufacture or sale of medical devices untouched. Second, it provides a fallback rule if the manufacturer or other responsible party is bankrupt or judgment-proof. In such cases, a plaintiff may bring the raw materials supplier back into a lawsuit if a court concludes that evidence exists to warrant holding the supplier liable. Finally, the bill does not cover lawsuits involving silicone gel breast implants.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, June 25, 1998, the federal debt stood at \$5,504,168,372,205.11 (Five trillion, five hundred four billion, one hundred sixty-eight million, three hundred seventy-two thousand, two hundred five dollars and eleven cents).

One year ago, June 25, 1997, the federal debt stood at \$5,339,644,000,000 (Five trillion, three hundred thirty-nine billion, six hundred forty-four million).

Five years ago, June 25, 1993, the federal debt stood at \$4,305,269,000,000

(Four trillion, three hundred five billion, two hundred sixty-nine million).

Twenty-five years ago, June 25, 1973, the federal debt stood at \$452,652,000,000 (Four hundred fifty-two billion, six hundred fifty-two million) which reflects a debt increase of more than \$5 trillion—\$5,051,516,372,205.11 (Five trillion, fifty-one billion, five hundred sixteen million, three hundred seventy-two thousand, two hundred five dollars and eleven cents) during the past 25 years.

#### HONORING THE PHILLIPS, SWONS, AND YOUNTS ON THEIR 30TH WEDDING ANNIVERSARIES

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today along with the senior Senator from Missouri, Senator BOND, to honor Kathy and John Phillips, Alma and Larry Swon, and Kathy and Mike Yount of Mexico, Missouri, who on July 3, 1998, will celebrate their 30th wedding anniversaries. Many things have changed in the 30 years these couples have been married, but the values, principles, and commitment these marriages demonstrate are timeless.

My wife, Janet, and I had the privilege of celebrating our 30th wedding anniversary just one year ago. I can attest, like these fine couples, to the remarkable love and appreciation that has grown out of my own marriage. As these couples gather together in Mexico on July 3, surrounded by friends and family, it will be apparent that the lasting legacy of these marriages will be the time, energy, and resources invested in their children, church, and community.

The Phillips, Swons, and Younts exemplify the highest commitment to relentless dedication and sacrifice. Their commitment to the principles and values of their marriages deserve to be saluted and recognized.

#### PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, upon our return in July, it is my hope that the Senate will turn to full and open debate of patient protection legislation at the earliest appropriate time. The American people are concerned about the state of our health care system. Earlier this month, a survey by the Pew Research Center showed HMO regulation at the top of the list of issues important to individuals and the country.